

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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WENDY HARRISON, as parent and natural  
guardian of ELIZA COREY, a minor under  
the age of eighteen years,

Plaintiffs,

v.

BOARD OF EDUCATION OF THE  
HONEOYE FALLS-LIMA CENTRAL  
SCHOOL DISTRICT, GENE MANCUSO,  
in his official and individual capacity, and  
JAMES KANE, in his official and  
individual capacity,

Defendants.

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STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF ONONDAGA )

**REPLY AFFIDAVIT OF  
CHARLES C. SPAGNOLI,  
ESQ. IN SUPPORT OF  
MOTION TO DISMISS**

Civil Action No. 6:22-cv-6086

CHARLES C. SPAGNOLI, being duly sworn, deposes and says:

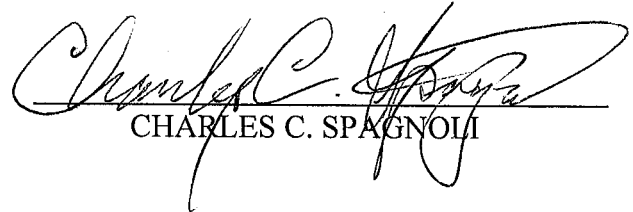
1. I am an attorney duly licensed to practice law in the State of New York and counsel with Ferrarra Fiorenza P.C., attorneys for Defendants Board of Education of the Honeoye Falls-Lima Central School District ("Board") and Gene Mancuso in this action. I make this reply affidavit of my own personal knowledge and/or upon review of the submissions in an appeal to the Commissioner of Education in which my firm represented the same parties.

2. During the appeal to the Commissioner of Education referenced and relied upon in Plaintiffs' Complaint, they did not raise the issue of an alleged false statement by Defendant Mancuso to the Board during an "Appeals Process Meeting" or otherwise contend that evidence

outside the record of a hearing was considered by the Board in denying the appeal Plaintiffs brought before it.

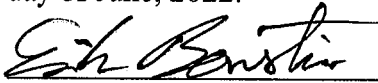
3. Instead, to the contrary, Plaintiffs expressly argued Defendant Mancuso *should have* considered evidence outside the hearing record, and his failure to do so was a violation of Plaintiff Corey's due process rights.

4. A copy of the Petition submitted by Plaintiffs to the Commissioner of Education is presented herewith as Exhibit E (continuing exhibit designations sequentially from the original motion submissions of Defendants Board and Mancuso). A copy of the memorandum of law submitted by Plaintiffs to the Commissioner is presented herewith as Exhibit F.



CHARLES C. SPAGNOLI

Sworn to before me this 14<sup>th</sup>  
day of June, 2022.



Notary public

**ERIK BERNSTEIN**  
Notary Public, State of New York  
No. 01BE6377661  
Qualified in Onondaga County  
Commission Expires July 09, 2022